

Policy 5032

Title IX Sexual Harassment

The District prohibits unlawful sex discrimination, including harassment and retaliation, in any of its education programs or activities in accordance with Title IX of the Education Amendments of 1972 and corresponding implementing regulations.

This Policy only addresses allegations of sexual harassment under Title IX. Allegations of all other forms of sex discrimination should be addressed under the District's applicable non-discrimination or anti-harassment policies [5030 – Non-Discrimination and Equal Employment Opportunity](#), [5035 – Discriminatory Harassment of Employees](#), and [8018 – Illegal Discrimination, Harassment - Student](#). Allegations alleging both Title IX sexual harassment and other forms of unlawful discrimination and harassment (e.g., race, age, disability) that cannot be reasonably separated into two distinct complaints should be investigated under this Policy, and the Grievance Process described in [Administrative Rule 5032 – Title IX Sexual Harassment](#) will satisfy any investigation requirements in other anti-harassment or non-discrimination policies. Nothing in this paragraph limits the District's right to determine at any time during the Grievance Process that an allegation not involving Title IX sexual harassment should be addressed under other District Policies.

The Board directs the Superintendent to designate persons to serve as Title IX Coordinator, Investigator, Decision-Maker, and Appeals Officer. If a Formal Complaint is made under this Policy against the Superintendent, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with the Title IX Coordinator to ensure that all other requirements of this Policy are met. If a Formal Complaint is made against the Board President, the Board Vice President will designate who will serve as the Investigator, Decision-Maker, and Appeals Officer.

The Investigator, Decision-Maker, and Appeals Officer cannot be the same person on a specific matter, and the persons designated to serve in those roles may or may not be District Employees.

Inquiries about Title IX's application to a particular situation may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

For purposes of this Policy, “Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- a. An Employee conditioning the provision of a District aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
- b. Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- c. Sexual assault, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC § 12291 et. seq., and the Uniform Crime Reporting System of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).
 - i. “Sexual assault” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - ii. “Dating violence” means violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - iii. “Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Michigan.

- iv. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

LEGAL REF: Education Amendments Act of 1972, 20 USC §§1681 - 1688; 34 CFR Part 106; Violence Against Women Act, 34 USC § 12291 et. seq.; Uniform Crime Reporting System of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v)

ADOPTED: August 18, 2021

[Administrative Rule 5032 – Title IX Sexual Harassment](#)